Western Economic Diversification Canada | Diversification de l'économie de l'Ouest Canada

Access to Information Act

Western Economic Diversification Canada
Annual Report to Parliament
April 1, 2008 – March 31, 2009

Canada

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Introduction

The *Access to Information Act* (R.S. 1985, c. A-1) came into force on July 1, 1983.

The purpose of the *Act* is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

The *Act* provides every person who is a Canadian citizen or a permanent resident with a right of access to any record under the control of a government institution, with some specific, limited exceptions.

Western Economic Diversification Canada (WD) is fully committed to both the spirit and the intent of the *Access to Information Act* to ensure openness and transparency within the department. This report summarizes the activities of WD in implementing the *Act*, and fulfils the requirement under Section 72, which stipulates that, "The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year."

Additional copies of WD's Annual Report to Parliament may be obtained from:

Access to Information and Privacy Coordinator
Western Economic Diversification Canada
Suite 1500, Canada Place
9700 Jasper Avenue N.W.
Edmonton, Alberta
T5J 4H7

Once tabled in the House of Commons and the Senate, WD will also post this report on its public website at: www.wd.gc.ca/eng/59.asp.

Mandate

Western Economic Diversification Canada (WD) was established in 1987 to help lessen Western Canada's (British Columbia, Alberta, Saskatchewan and Manitoba) strong economic dependence on natural resources. Under the *Western Economic Diversification Act, 1988*, the Department is mandated to "...promote the development and diversification of the economy of Western Canada and to advance the interests of Western Canada in national economic policy, program and project development, and implementation."

Since 1987, WD has worked on behalf of western Canadians to ensure the long-term development and diversification of a dynamic regional economy. Western Canada's rich and diverse natural heritage, coupled with a growing innovation and entrepreneurial culture, contributes to the region's economic stability and prosperity.

In order to achieve its mandate, WD continues to work to help address the challenges faced by western communities and business. The Department's role of supporting economic diversification and investing in innovation and economic development will help to effectively bridge the gap between economic downturn and a sound economic future.

The Department organizes its programs and services to effectively pursue its mandate through the following Strategic Outcomes:

- The western Canadian economy is competitive, expanded and diversified (Entrepreneurship and Innovation);
- Communities in Western Canada are economically viable (Community Economic Development); and
- Policies and programs that strengthen the western Canadian economy (Policy, Advocacy and Coordination).

WD's strategic investments in these areas will help to fulfill WD's vision to be a leader in creating a more diversified western Canadian economy that has strong, competitive and innovative businesses and communities.

2008-2009 Highlights and Accomplishments

The number of Access to Information requests received by Western Economic Diversification Canada (WD) decreased by approximately 20 per cent during fiscal year 2008-2009 – down by six, for a total of 20 requests. Three requests were carried forward from the previous reporting period, for a total of 23 requests. In total, 16 requests were closed.

Seven requests have been carried forward into the 2009-2010 fiscal year, with six of these having been received within 30 days or less of the fiscal year end.

Highlights

- In April 2008, Treasury Board of Canada Secretariat (TBS) identified WD's 2007-2008 Annual Report to Parliament as a best practice in government, and this was shared with other departments.
- The Department's Executive Committee approved a new Access to Information Policy in November 2008.
- A new Access to Information Procedures Manual was developed and copies provided to Regional ATIP Liaison Officers, and made available to all staff on WD's internal website.
- Access to Information awareness sessions were conducted in all regional offices, with approximately two-thirds of all staff attending. Greater participation is required by officers and management in the future.
- As a result of Round V of the government-wide Management Accountability Framework (MAF) reporting exercise, the ATIP unit spent considerable time improving its Info Source listing, although work is still required to improve the Classes of Records listing. Greater involvement is required from departmental subject experts to accomplish this and meet the new directions being implemented by Treasury Board for this publication.
- It should be noted that in 2007-2008, WD reported lengthy Privy Council Office (PCO) Cabinet confidence consultations delayed responding to one request. The Department would, therefore, like to recognize the marked improvement in the response times in 2008-2009 from PCO where consultations were required, and trusts this will continue in the future.
- In addition, the ATIP unit reviewed and provided advice on 30 audit and evaluation report documents prior to information being posted to WD's public website. The unit is also responsible for the detailed review and approval of the elements of proactive disclosure for contracts over $10,000 and travel and hospitality expenses of the Minister of State, her exempt staff and senior departmental officials.

Challenges

- Requests for lists of WD grants and contributions since the inception of the Department are becoming increasingly more time consuming to process and to ensure accurate reporting. Data provided over the 20 plus year period has included conversions from previous financial systems to the current financial system, as well as various financial coding changes, including the move accrual accounting (Financial Information Strategy).
- Requests for the Minister's transition books where multiple departments were consulted on their information suffered delays due to staff shortages and the volume of requests being handled by these departments, with requests to extend the consultation period up to 75 days.
- Incomplete advice and/or provision of records responding to requests during the reporting period, despite numerous staff training sessions being conducted.

Access to Information and Privacy Unit

For the purposes of the *Access to Information Act*, the Environment Minister, and senior minister responsible for Western Economic Diversification, has delegated his powers, authorities and responsibilities to the Executive Director, Finance and Corporate Management (ATIP Coordinator) and Manager, Corporate Administration (Deputy ATIP Coordinator), who are accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the Minister's responsibilities under the *Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Act*.

One full-time ATIP Officer in the Corporate Administration unit assists the Coordinator, and his Deputy, with the Access to Information and Privacy function in WD. An ATIP consultant provides additional support as required. Regional ATIP Liaison Officers (RALOs) are located in each regional office in B.C., Alberta, Saskatchewan and Manitoba, as well as the Ottawa Liaison Office and within its Headquarters unit. The RALOs are the regional contacts when retrieving records responding to ATIP requests, and providing liaison between the ATIP unit and regional staff concerning enquiries.

The activities of WD's Access to Information and Privacy (ATIP) unit include:

- processing requests in accordance with the *Act*;
- responding to consultations submitted by other federal institutions on WD records being considered for release;
- developing and maintaining policies, procedures and guidelines to ensure the *Act* is respected by departmental staff;
- promoting awareness of the *Act* within the Department to ensure staff are aware of the obligations imposed by the legislation;
- preparing statistical and annual reports to Parliament and other statutory reporting requirements, such as Info Source, as well as other material that may be required by central agencies;
- representing WD in dealings with the Treasury Board of Canada Secretariat, the Information Commissioner of Canada and other government departments and agencies regarding the application of the *Act* as it relates to WD;
- monitoring departmental compliance with the *Act*, regulations and relevant procedures and policies; and
- providing ongoing advice and guidance to senior management and departmental staff on information management and Access to Information legislation.

In January 2009, a new ATIP Coordinator was appointed internally for the Department following a reorganization of Headquarters. The new Delegation Order formalized the delegation to the Executive Director, Finance and Corporate Management, and includes the delegation of these duties also to the Manager, Corporate Administration, who supports the Coordinator as the Deputy ATIP Coordinator.

Departmental Policies and Procedures

WD's Executive Committee adopted an Access to Information Policy on November 19, 2008. This Policy is based on the *Access to Information Act*, its Regulations and the principles of open government from which it is derived, and is supported by the Access to Information Procedures Manual (see Appendix A).

Subsequently, in December 2008, the internal ATIP Procedures Manual was reviewed, and separate manuals developed for Access to Information and Privacy. The ATI Procedures Manual was updated to ensure that it reflects the current departmental processes, as well as ensures all changes made to the legislation are incorporated as appropriate. The new manual has been provided to the RALOs for their use, and the manual is available to all WD staff on the WDNet internal website (see Appendix C). This manual will be reviewed a minimum of once per fiscal year to ensure that it is up-to-date, and includes any changes in policies or procedures are incorporated.

Info Source

In January 2008, WD's Executive Committee approved the formation of an Info Source Steering Committee. The goal of the committee was to assist the Department in improving its management accountability as required in the various reporting requirements of the Management Accountability Framework, Area of Management #12 – Effectiveness of Information Management, which reviews and evaluates the department's performance and Info Source reporting requirements. As a result of the efforts of this committee, and considerable effort by the ATIP Officer, WD greatly improved its Info Source listing for the "Sources of Government Information" publication.

The Treasury Board Portfolio (TBP) Round VI assessment released in May 2009 rated WD as "Acceptable" under Line of Evidence 12.4. TBP identified the need for the following improvements to the Department's Info Source listing:

- improve Class of Record descriptions are too general and do not describe the information that are captured in the institution's records (e.g. Western Diversification Program, Sustainable Development Strategy, Urban Development Agreements); this work is underway for the 2009 submission and assistance has been solicited from each regional office to improve this information;
- the "Document Types" field in the Class of Records listings repeats information continued in the "Description" field; and
- the requirement for new class of information collections in the area of international competitiveness and trade (e.g. WD's support to the Asia Pacific Gateway and Corridor Initiative); this work is underway to include in the 2009 submission.

Access to Information Training and Awareness

WD Staff: Access to Information and Privacy awareness sessions were conducted for staff in all WD offices in the 2008-2009 fiscal year; approximately two-thirds of all staff attended a session. The Access to Information portion of these sessions provided staff with an overview of the *Access to Information Act*, information about WD's process for handling requests, information important to subject experts that will assist them in searching for records and providing guidance on potential severances or consultations, and information handling.

Attendees at the sessions for the most part, however, did not include many of the Department's management cadre or other key officials who would benefit from training in this field. WD will explore more targeted and management-specific training sessions in the future.

Location	Date	Number of Sessions	# of Attendees
Winnipeg	September 3	1	24
Vancouver	September 17	2	52
Saskatoon	October 1	2	38
Ottawa	November 18	1 - French	1
	November 19	1 - English	9
Edmonton	November 26	1 – Alberta Region	30
		1 – Headquarters	27
Calgary	January 13	1	9
TOTALS		**10**	**190**

The ATIP Coordinator, Deputy ATIP Coordinator and ATIP Officer also regularly provide advice on access to information issues to RALOs and departmental subject expects to increase awareness of the *Act*, as well as provide guidance on how the department processes access requests, and the rationale required to apply the exemptions and exclusions, where appropriate.

WD ATIP Staff: The ATIP Officer participated, via teleconference, in several Treasury Board of Canada Secretariat ATIP training sessions.

The ATIP Officer also attended the national Canadian Access and Privacy Association Conference held in Ottawa, Ontario, and a TBS ATIP Community Meeting, in November 2008.

The Deputy ATIP Coordinator met with WD's ATIP consultant for a one-day training session in September 2008 on the roles and responsibilities of an ATIP Coordinator.

Access to Information Act and *Privacy Act* Delegation Order

Arrêté sur la délégation en vertu de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*

The Minister of the Environment, and senior minister responsible for Western Economic Diversification, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Act set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le ministre de l'Environnement, et ministre principal responsable de la Diversification de l'économie de l'Ouest canadien, délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'à la personne occupant à titre intérimaire lesdits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des *Lois* mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur.

Schedule / Annexe

Position / Poste	*Access to Information Act* and Regulations / *Loi sur l'accès à l'information* et règlements	*Privacy Act* and Regulations / *Loi sur la protection des renseignements personnels* et règlements
Executive Director, Finance and Corporate Management / Directeur exécutif, Finances et Gestion ministérielle	Full authority / Autorité absolue	Full authority / Autorité absolue
Manager, Corporate Administration / Gestionnaire, Administration intégrée	Full authority / Autorité absolue	Full authority / Autorité absolue

Dated, at the City of Ottawa
this 12 day of August, 2009

Daté, en la ville d'Ottawa
ce 12 jour de août 2009

THE HONOURABLE JIM PRENTICE
MINISTER OF THE ENVIRONMENT

L'HONORABLE JIM PRENTICE
MINISTRE DE L'ENVIRONNEMENT

Delegation of powers, duties and functions delegated pursuant to section 73 of the *Access to Information Act* Western Economic Diversification Canada			
Section	**Description**	**Executive Director, Finance and Corporate Management**	**Manager, Corporate Administration**
7(a)	Notice where access is requested	X	X
8(1)	Transfer to and transfer from institution	X	X
9	Extension of time limits	X	X
11(2), (3), (4), (5) and (6)	Additional fees	X	X
12(2)	Language of access	X	X
12(3)	Access in an alternative format	X	X
13	Information obtained in confidence	X	X
14	Federal-Provincial affairs	X	X
15	International affairs and defence	X	X
16	Law enforcement and investigation	X	X
17	Safety of individuals	X	X
18	Economic interests of Canada	X	X
19	Personal information	X	X
20	Third party information	X	X
21	Advice	X	X
22	Testing procedures	X	X
23	Solicitor-client privilege	X	X
24	Statutory prohibitions	X	X
25	Severance	X	X
26	Information to be published	X	X
27(1) and (4)	Third party notification	X	X
28(1), (2) and (4)	Third party notification	X	X
29(1)	Disclosure on recommendation of Information Commissioner	X	X
33	Advise Information Commissioner of third party involvement	X	X
35(2)	Right to make representations	X	X
37(4)	Access to be given complainant	X	X
43(1)	Notice to third party (application to Federal Court for review)	X	X
44(2)	Notice to applicant (application to Federal Court by third party)	X	X
52(2) and (3)	Special rules for hearings	X	X
69	Excluded information – Cabinet confidences	X	X
71(2)	Exempt information severed from manuals	X	X
77	Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above	X	X

2008-2009 Statistical Report on the *Access to Information Act*

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution				Reporting period / Période visée par le rapport
WESTERN ECONOMIC DIVERSIFICATION CANADA DIVERSIFICATION DE L'ÉCONOMIE DE L'OUEST CANADA				4/1/2008 to/à 3/31/2009
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme	Public
	3	3	4	5	5

I *Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information*

Received during reporting period / Reçues pendant la période visée par le rapport	15
Outstanding from previous period / En suspens depuis la période antérieure	3
TOTAL	18
Completed during reporting period / Traitées pendant la période visée par le rapport	15
Carried forward / Reportées	3

II *Disposition of requests completed / Disposition à l'égard des demandes traitées*

1	All disclosed / Communication totale	11	5	Unable to process / Traitement impossible	0
2	Disclosed in part / Communication partielle	3	6	Abandoned by applicant / Abandon de la demande	1
3	Nothing disclosed (excluded) / Aucune communication (exclusion)	1	7	Treated informally / Traitement non officiel	0
4	Nothing disclosed (exempt) / Aucune communication (exemption)	0	TOTAL		16
5	Transferred / Transmission	0			

III *Exemptions invoked / Exceptions invoquées*

13(1)(a)	0	16(1)(a)	0	18(a)	0	20(1)(a)	0
13(1)(b)	0	16(1)(b)	0	18(b)	0	20(1)(b)	0
13(1)(c)	0	16(1)(c)	0	18(c)	0	20(1)(c)	0
13(1)(d)	0	16(1)(d)	0	18(d)	0	20(1)(d)	0
13(1)(e)	0	16(1)(e)	0	19(1)	0	20(1)(e)	0
14	0	16(2)	0	19(1)(a)	0	20(1)(f)	0
14(a)	0	16(2)(a)	0	19(1)(b)	0	20(1)(g)	0
14(b)	0	16(2)(b)	0	19(1)(c)	0	20(1)(h)	0
15	0	16(2)(c)	0	19(1)(d)	0	20(1)(i)	0
15(a)(i)	0	16(3)	0	19(1)(e)	0	20(1)(j)	0
15(a)(ii)	0	16(3)(a)	0	19(1)(f)	0	20(1)(k)	0
15(b)	0	16(3)(b)	0	20	0	20(1)(l)	0
16	0	16(3)(c)	0	20(1)	0	20(1)(m)	0
16(1)	0	16(3)(d)	0	20(1)(a)	0	20(1)(n)	0

IV *Exclusions cited / Exclusions citées*

68	0	68(a)	0
68(a)	0	68(b)	0
69	0	69(1)	0
69(1)(a)	0	69(1)(b)	0
70	0	70(1)	0
70(1)(a)	0	70(1)(b)	0
70(1)(c)	0	70(1)(d)	0
70(1)(e)	0	70(1)(f)	0
70(2)	0	70(3)	0
70(3)(a)	0	70(3)(b)	0

V *Completion time / Délai de traitement*

30 days or under / 30 jours ou moins	10
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	3
121 days or over / 121 jours ou plus	0

VI *Extensions / Prorogations des délais*

	30 days or under / 30 jours ou moins	More than 30 days / Plus de 30 jours
9(1)(a)	0	0
9(1)(b)	0	0
9(1)(c)	0	0
TOTAL	0	0

VII *Translations / Traductions*

Translations requested / Traductions demandées		0
	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII *Method of access / Méthode de consultation*

Copies given / Copies données	12
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX *Fees / Frais*

			$
		Application fees / Frais de demande	$ 43.60
		Processing and duplication fees / Frais de traitement et de reproduction	$ 316.60
		TOTAL	$ 360.20

X *Costs / Coûts*

Salaries / Traitements	$	377,043
Administration (O and M) / Administration (fonctionnement et entretien)	$	111,841
TOTAL	$	488,884

Person years utilized (employment year) / Années-personnes utilisées (année d'emploi)	3.19

Supplemental Reporting Requirements
Access to Information Act

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Section 13

Subsection 13(e) 0

Section 14

Subsections 14(a) 0

14(b) 1

Part IV – Exclusions cited:

Subsection 69.1 (1) 0

Exigences en matière de rapports supplémentaires
Loi sur l'accès à l'information

En plus des exigences relatives à l'établissement de rapports dont on traite au formulaire TBS/SCT 350-62, « Rapport concernant la Loi sur l'accès à l'information », les institutions sont tenues de déclarer ce qui suit, en utilisant le présent formulaire :

Partie III – Exceptions invoquées

Article 13

Paragraphe 13(e) 0

Article 14

Paragraphes 14(a) 0

14(b) 1

Partie IV – Exclusions citées

Paragraphe 69.1 (1) 0

a) Requests Received Under the *Access to Information Act*

Between April 1, 2008, and March 31, 2009, WD received 20 requests for information under the *Access to Information Act*, as well as 14 access consultations from other government institutions. By comparison, 26 requests and 29 consultations were received in 2007-2008. WD also carried forward three requests from the 2007-2008 fiscal year.

In total, 16 access requests and all consultations were completed during the reporting period, with seven requests being carried forward. Of the requests carried forward to the 2009-2010 fiscal year, six were received within 30 days or less of the fiscal year end, March 31, 2009.

b) 2008-2009 Trends

For the first two-thirds of the fiscal year, the trend that emerged in 2007-2008 for lists of grants and contributions projects or project information that is compiled from WD's financial databases continued. Six of these responses were provided in Excel spreadsheet format, greatly reducing the number of pages of records received and associated photocopying costs. However, requests for lists of WD grants and contributions since the inception of the Department are becoming increasingly more time consuming to process, as changes to financial systems mean considerable time is spent verifying information from one system to another to ensure accurate reporting.

Only one file was abandoned in 2008-2009; however, the request was abandoned after the Department requested reproduction fees (967 pages processed and almost $1,000 of O&M and salary costs).

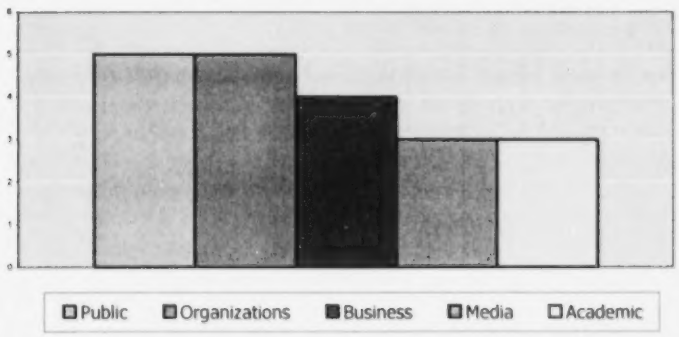
c) Sources of Requests

The breakdown of the sources of requests received in 2008-2009 is as follows:

- five or 25% each from the general public and organizations, including three from a political party and two from other organizations;
- four or 20% from business, including one request from a consultant;
- three or 15% each from academia and the media.

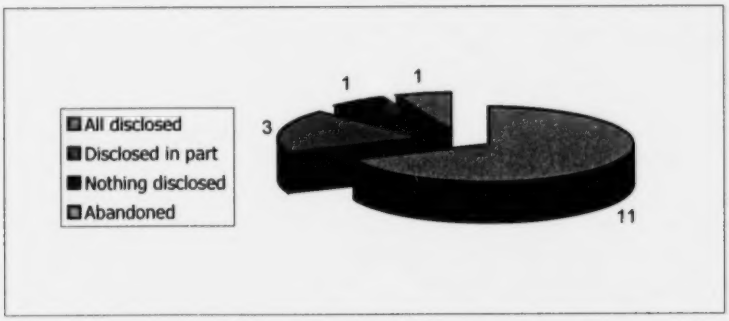
By comparison, in 2007-2008 the requests were more broadly distributed between the various sources: 54% from the public, 23% from the media, 11.5% from business, and 7.5% from organizations (one from a political party and one from another organization), and 4% from academia.

ATIP Requests by Source - 2008-2009



d) Disposition of Requests Completed

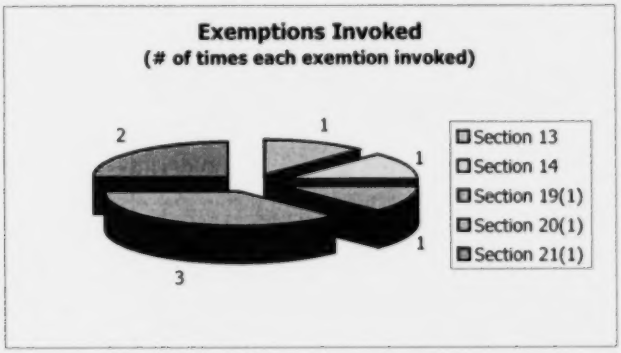
In 2008-2009, WD completed 16 requests. The breakdown of the disposition is as follows:



e) Exemptions Invoked

The 2008-2009 Statistical Report identifies the number of requests where specific types of exemptions were invoked to deny access to information. If five different exemptions were applied to a request, one exemption under each relevant section would be reported for a total of five. However, if the same exemption is claimed several times in the same request, it is captured only once in the statistics.

In 11 of the requests closed by WD in 2008-2009, all information was disclosed in its entirety, and one was abandoned, leaving only four requests to which exemptions were applied. WD applied the following exemptions only once each: 13(1)(d), 14(b), 19(1), (20)(1)(b), 20(1)(c), 20(1)(d), 21(1)(a) and 21(1)(b).



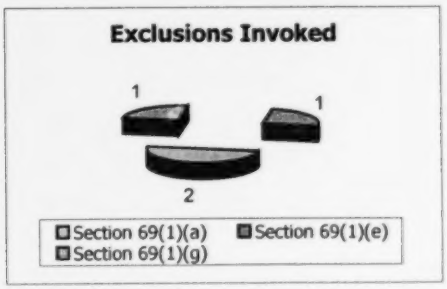
Further to the request for additional information on exemptions applied under the *Access to Information Act* in Implementation Report No. 113, WD's statistics are as follows:

- Subsection 13(e) – WD did not invoke this exemption concerning information obtained in confidence from an aboriginal government.
- Section 14, subsection (a) – WD did not invoke this exemption concerning conduct of federal/provincial affairs.
- Section 14, subsection (b) – WD invoked this exemption concerning federal/provincial consultations or deliberations on one request only.

f) Exclusions Cited

The *Act* does not apply to certain materials, such as published material pursuant to Section 68, or confidences of the Queen's Privy Council pursuant to Section 69.

During this reporting period, WD did not invoke Section 68, and Section 69 was invoked and applied as required on two access requests. If WD applied two different exclusions to a request, one exclusion under each relevant section would be reported for a total of two. However, if the same exclusion is claimed several times in the same request, it is captured in the statistics only once.



Further to the request for additional information on exclusions applied under the *Access to Information Act* in Implementation Report No. 113, WD's statistics are as follows:

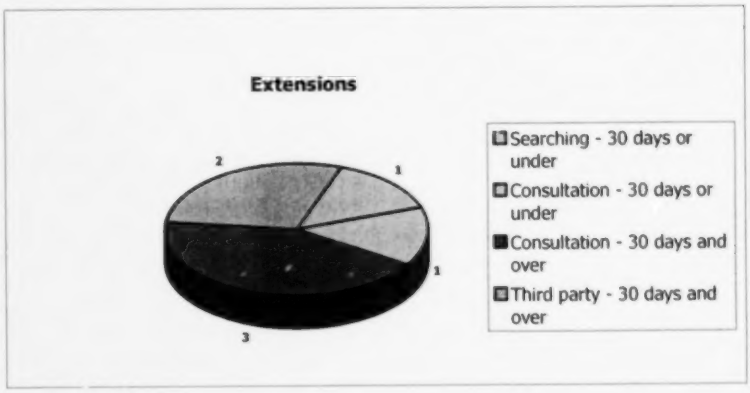
- Subsection 69.1 – WD did not invoke this exclusion concerning the *Canada Evidence Act*.

g) Extensions of Time Limits

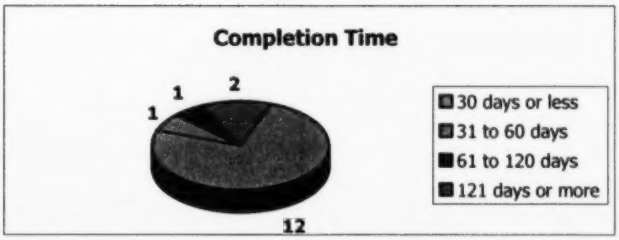
Section 9 of the *Act* provides for the extension of the statutory time limits if consultations are necessary or the request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the Department.

During this reporting period, two requests were extended for 30 days or less, and five requests required an extension for more than 30 days.

Of the extensions over 30 days, three were for consultations with the PCO Cabinet Confidences unit or other government departments, and two were to undertake third party consultations.



h) Completion Time



The lengthy completion times of 121 days or more on two requests can be collated directly to lengthy response times on requests requiring consultations with the PCO Cabinet Confidences unit of other government departments. In one of these cases, however, WD's legal counsel did not forward PCO's response and it was only through follow-up with PCO did the Department learn that a response have been provided months earlier. This process has been clarified with legal counsel to ensure additional delays are not encountered in the future.

i) Method of Access

Access to the relevant documents was given, in whole or in part, for 14 requests. One request was abandoned and one request included records, which were excluded in their entirety as Cabinet confidences.

j) Fees

Access to Information fees collected during the reporting period totalled $100.00. During the same period, WD waived fees totalling of $318.80, primarily for photocopying fees over $25.

k) Operational Costs to Administer the *Act*

Salary costs associated with the *Access to Information Act* increased slightly in 2008-2009 due to the appointment of the ATIP Officer at a higher classification level in December 2007, and the higher classification level. Total salary costs were estimated at $77,043.

The associated employee resources for 2008-2009 are estimated at 1.15 full-time equivalent (FTE) for administering the *Act*.

Administrative costs, however, increased slightly this year due in large part to the nature of the requests and staff training-related expenses. The estimated administrative costs totalled $11,841.

In total, WD estimated its financial resources dedicated to Access to Information at $88,884 for the 2008-2009 reporting period.

Complete costs to administer the *Act* are likely to somewhat higher than reported. For example, this estimate does not include the time spent by departmental staff attending awareness sessions, and WD continues to explore ways to better track costs and has implemented new measures that will help improve this area of reporting in the future.

Complaints and Investigations

WD received no complaints pursuant to the *Access to Information Act* in the 2008-2009 fiscal year.

One complaint, however, has been carried over from 2006-2007. This complaint is related in part to a Community Futures Development Corporation. Records were provided to the Information Commissioner's office in March 2007, but no further action has been required to date on this file.

Appeals to the Court

No appeals to the Federal Court were filed under the *Access to Information Act* during the 2008-2009 reporting period.

Access to Information Policy

Access to Information Policy

1.0 Policy Context

Western Economic Diversification Canada (WD) is fully committed to both the spirit and the intent of the *Access to Information Act* to ensure openness and transparency within the Department. Therefore, WD's Access to Information Policy ensures that:

- the Department effectively and consistently administers it responsibilities in accordance with the *Act*; and
- the decision-making process to disclose information or apply specific exemptions or exclusions are limited and specific, and are approved by the Designated Authority as per the Minister's Delegation of Authority pursuant to the *Act*.

2.0 Policy Statement

This Policy is based on the *Access to Information Act*, its Regulations and the principles of open government from which it is derived. Specifically, the objectives are to:

- facilitate statutory and regulatory compliance, and enhance effective application of the *Access to Information Act* and its Regulations by WD; and
- ensure consistency in practices and procedures in administering the *Act* and Regulations so that applicants receive assistance throughout the request process.

The expected results of this Policy are:

- sound management and decisions in responding to requests from applicants who are exercising their right to access records under the control of WD, regardless of their identity;
- complete, accurate and timely responses to requests made under the *Act*;
- clear responsibilities in WD for decision-making and effective administration of the *Access to Information Act* and its Regulations; and
- consistent public reporting on the administration of the *Act* through WD's Annual Report to Parliament, annual statistical report, and the submission of departmental chapters to Info Source, which are published by the Treasury Board of Canada Secretariat (TBS).

3.0 Policy Requirements

Chapter 1.1 – TBS Policy on Access to Information (April 1, 2008), and specifically Section 6 – Policy Requirements, provides guidance as follows which WD has adopted and incorporated into its Access to Information Procedures Manual:

- **Delegation:** The head of the Department (the Minister) is responsible for deciding whether to delegate any of his/her powers, duties and functions under the *Act*. When the decision is made to delegate responsibilities, WD must have in place a current Delegation Order, signed by the Minister, authorizing which responsibilities may be carried out by particular officials. The powers, duties and functions that may be delegated appear in Chapter 3-1 of the TBS Policy.
- **Exercising Discretion:** WD shall exercise discretion under the *Act* in a fair, reasonable and impartial manner with respect to decisions made in the processing of requests and the resolution of complaints pursuant to the *Act*, subject to the conditions set out in the Regulations.
- **Access to Information Awareness:** WD is responsible for making its employees aware of the policies, procedures and legal responsibilities of the *Act*.

- **Protecting the Identity of Applicants:** WD shall ensure that the applicants' identities are protected and only disclosed when there is a clear need to know in order to perform duties and functions related to a lawful program or activity.
- **Duty to Assist:** WD shall ensure that every reasonable effort is made to help applicants receive complete, accurate and timely responses in the format requested, in accordance with the Regulations and without regard to the applicant's identity. This includes developing and implementing written procedures and practices that will effectively assist applicants.
- **Processing Access Requests:** WD shall establish effective processes and systems to respond to access requests, as well as documenting deliberations and decisions made concerning each request received under the *Act*. The Department shall also establish procedures to ensure that:
  - the requested records are reviewed to determine if they are subject to the *Act*, whether any exemptions apply, and exemptions to the right of access are limited and specific;
  - the principle of severability is applied; and
  - any consultations necessary for the processing of requests are undertaken pursuant to the *Act*.
- **Cabinet Confidences:** WD shall follow established procedures concerning consultations with the Privy Council Office prior to excluding Cabinet Confidences.
- **Contracts and Agreements:** WD shall establish measures to ensure that it meets the requirements of the *Act* when contracting with private sector organizations or when entering into agreements or arrangements with public sector institutions.
- **Addressing Obstruction to the Right of Access:** WD shall ensure that appropriate procedures align with the *Public Servants Disclosure Protection Act* are in place in cases of alleged obstruction of the right of access under the *Act*. Obstructing the right of access is a criminal offence.
- **Monitoring and Reporting Requirements:** The ATIP Coordinator is responsible for monitoring compliance of this Policy as it relates to the *Act*, and ensuring that: an Annual Report to Parliament is prepared and tabled in each House of Parliament, Info Source chapters are updated and submitted, an annual statistical report on the administration of the *Act* is submitted to TBS, and user fee information input into the WD's Departmental Performance Report annually.

4.0 Departmental Procedures

WD's ATIP unit has developed an "*Access to Information Procedures Manual*", which summarizes the essential elements of the *Access to Information* legislation and Regulations, and Treasury Board policies.

The Procedures Manual serves as a reference manual and a tool for Regional ATIP Liaison Officers and WD staff that provides a balanced approach to the Department's procedures and explaining how the legislation permits both the release and withholding of information that has been requested, with the objective to help WD staff better understand the implications of the *Access to Information Act* and to build a network within WD to ensure top quality responses to requests for information.

5.0 Authorities

The *Access to Information Act* is supported by a number of legislative, regulatory, policy and procedural instruments that reinforce certain provisions of the *Act*, as well as provide interpretation and practical guidance of specific sections. These documents include:

5.1 Department of Justice Canada

- Access to Information Act: http://laws.justice.gc.ca/en/A-1/8.html
- Access to Information Regulations: http://laws.justice.gc.ca/en/A-1/SOR-83-507/45.html
- Access to Information Act Heads of Government Institutions Designation Order: http://laws.justice.gc.ca/en/showtdm/cr/SI-83-113

- Library and Archives of Canada Act: http://laws.justice.gc.ca/en/showdoc/cs/L-7.7//20081010/en
- Privacy Act: http://laws.justice.gc.ca/en/P-21/index.html
- Privacy Regulations: http://laws.justice.gc.ca/en/showtdm/cr/SOR-83-508
- Public Servants Disclosure Protection Act: http://laws.justice.gc.ca/en/showtdm/cs/P-31.9

5.2 Treasury Board of Canada Secretariat

- Access to Information – Policies and Guidelines: http://publiservice.tbs-sct.gc.ca/pubs_pol/gospubs/tbm_121/siglist_e.asp
- Communications Policy of the Government of Canada: http://publiservice.tbs-sct.gc.ca/pubs_pol/sipubs/comm/comm_e.asp
- Government Security Policy: http://www.tbs-sct.gc.ca/pubs_pol/gospubs/tbm_12a/gsp-psg_e.asp
- Policy on Information Management: http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12742
- Policy on the Use of Electronic Networks: http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12419
- Privacy Impact Assessment Policy: http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12450
- Management of Government Information – Policies and Procedures: http://www.tbs-sct.gc.ca/pubs_pol/ciopubs/TB_GIH/siglist-eng.asp

5.3 Western Economic Diversification Canada

- Access to Information Procedures Manual

In the event of a discrepancy, the *Access to Information Act* and its Regulations, Orders in Council, the Minister's Delegation of Authority, directives and official Treasury Board policies shall take precedence over this Policy and WD's procedures.

6.0 Date of Application

This Policy was adopted at a Management Accountability Committee meeting of Western Economic Diversification Canada on November 19, 2008, as part of its Policy Suite, and shall apply to all programs services of the Department.

6.1 Policy Change Control

Revision Number	Date Issued	Author	Brief Description of Change
v1.0	November 19, 2008	Barb Steele ATIP Officer	Policy based on the April 2008 updated TBS Access to Information Policy. (Replaces the ATI Policy – WD Financial Policies, dated December 5, 2005).

WD Public Web Site Information

Western Economic Diversification Canada / Diversification de l'économie de l'Ouest Canada

Canada

Access to Information and Privacy

The *Access to Information Act* provides individuals or corporations present in Canada, with the right of access to information in records under the control of federal government institutions, subject to certain specific and limited exceptions.

A request for information pursuant to the Access to Information Act must be submitted in writing, providing sufficient details to identify the records being requested. The Access to Information Request Form may be used or a letter detailing the specifics of the request should be submitted to the ATIP Coordinator, and must be accompanied by the $5 application fee (cheque or money order made payable to the "Receiver General for Canada").

The *Privacy Act* ensures that federal government institutions respect privacy rights of individuals by limiting the collection, use and disclosure of personal information. It also gives individuals the right to access and request correction of personal information about themselves held by these institutions.

A request for personal information pursuant to the Privacy Act must be submitted in writing with the Personal Information Request Form or a letter detailing the specifics of the request. There is no fee to request your personal information.

All requests for information under the control of any WD office must be sent to:

Jim Saunderson
Access to Information and Privacy Coordinator
Suite 1500, Canada Place
9700 Jasper Avenue N.W.
Edmonton, Alberta T5J 4H7
Telephone: (780) 495-3194
Facsimile: (780) 495-7618
E-mail: atip-aiprp@wd-deo.gc.ca

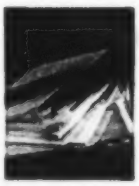
Appendix C

WD ATIP Intranet Web Site

Western Economic Diversification Canada | Diversification de l'économie de l'Ouest Canada

Home > Finance and Corporate Management > Corporate Administration > ATIP

Access to Information and Privacy (ATIP)



WD's small ATIP Unit is responsible for ensuring that WD fully meets its obligations under the *Access to Information* and *Privacy Acts*, and more broadly meets its commitment to openness and transparency through its Proactive Disclosure program. Following a well established process and working closely with Regional ATIP Liaison Officers (RALOs), the ATIP Unit processes formal requests by gathering relevant records, reviewing for appropriate exemptions/exclusions, consulting interested third parties or other government departments, and releasing information.

- **Access to Information Act**
- **Privacy Act**
- **2008 WD Staff Awareness Presentations**
  - **Access to Information**
  - **Privacy Act**

Proactive Disclosure

The ATIP Unit also works closely with various departmental officials to ensure the timely posting on WD's public website of the following information: Travel and Hospitality for the Minister, her exempt staff, and senior departmental officials, including the Deputy Minister and the ADMs; and Contracts over $10,000.

- Treasury Board of Canada Secretariat -- Guidelines on the Proactive Disclosure of Contracts

TITLE	NAME	CONTACT NO.
ATIP Coordinator	Jim Saunderson	(780) 495-4301
Deputy ATIP Coordinator	Kevin Johnson	(780) 495-6057
ATIP Officer	Barb Steele	(780) 495-4982
REGIONAL ATIP LIAISON OFFICERS		
British Columbia	Karla Radomsky	(604) 666-6185
Alberta	Ian McKay	(780) 495-4859
Saskatchewan	Kelly Morrison	(306) 975-6006
Manitoba	Joyce Jarosiewicz	(204) 984-5443
Ottawa	Steve Schaft	(613) 952-0676
Headquarters	Susan Fredette	(780) 495-5248

Access to Information Act

The *Access to Information Act* gives Canadian citizens the right to access information in federal government records.

WD Access to Information Policy -- November 19, 2008

WD Access to Information Procedures Manual - December 2008

Access to Information Links

- Access to Information Act
- Access to Information Regulations
- Access to Information Request Form
- Info Source
- Office of the Information Commissioner of Canada
- Canadian Access and Privacy Association (CAPA)
- Canadian Association of Professional Access and Privacy Administrators (CAPAPA)

Daily media coverage generated by Access to Information or Privacy requests from across government (federal, provincial, municipal).